

SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM
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No.8/LD/P/13

Dated: 06/06/2013

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 18th day of May, 2013 is hereby published for general information :-

THE SIKKIM MUNICIPALITIES (AMENDMENT) ACT, 2013

(ACT NO. 8 OF 2013)

AN

ACT

further to amend the Sikkim Municipalities Act, 2007.

Be it enacted by the Legislature of Sikkim in the Sixty-fourth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Sikkim Municipalities (Amendment) Act, 2013.

(2) It shall come into force on the date of its publication in the Official Gazette

Substitution of marginal heading of section 18 2. In the Sikkim Municipalities Act, 2007, hereinafter referred to as the said Act, for the marginal heading of section 18, the following shall be substituted, namely:-

“18. Disqualification and Removal of Members of Municipalities.”

Insertion of new section 18 A 3. In the said Act, after section 18 the following new section shall be inserted namely:-

**"18 A Removal
of a Member
of Municipality**

- (1) The Executive Authority may, after giving an opportunity to a member of the Municipality to show cause against the action proposed to be taken against him, by order remove him from office if;
 - (a) after his/her election he/she is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than 6 (six) months; or
 - (b) he/she is disqualified to be a member of the Municipality at the time of his election;
 - (c) he/she incurs any disqualification mentioned in section 18, after his election as a member of the Municipality; or
 - (d) he/she is absent from three consecutive meetings of the Municipality without the leave of Municipality.
- (2) Any member of the Municipality who is removed from his/her office by the Executive Authority under sub-section (1), may, within a period of 30 (thirty) days time from the date of order, appeal to the Secretary to the Government of Sikkim in the Urban Development and Housing Department, who may stay the operation of the order till the disposal of the Appeal and may after giving notice for the Appeal to the Executive Authority and after giving the Appellant an opportunity of being heard, modify, set aside or confirm the order.
- (3) The order passed by such authority on such appeal shall be final.
- (4) Any member of the Municipality being a member of any political party, if he/she ceases to be the member of that political party shall cease to be the member of the Municipality from the same day he / she ceases to be the member of that political party."

**R. K. Purkayastha,
Advisor-cum-Principal Secretary,
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Gangtok**